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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/394,165	09/13/1999	WILLIAM J. SEQUEIRA	3063/40	3848
29858	7590	06/02/2006	EXAMINER	
BROWN, RAYSMAN, MILLSTEIN, FELDER & STEINER LLP			QUELER, ADAM M	
900 THIRD AVENUE			ART UNIT	
NEW YORK, NY 10022			PAPER NUMBER	

DATE MAILED: 06/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/394,165	SEQUEIRA, WILLIAM J.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Adam M. Queler	2178	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 March 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 and 13-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 13-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some    \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. This action is responsive to communications: Amendment filed 03/09/2006 and Remarks filed 11/17/2005.
2. Claims 1-11 and 13-34 are pending in the case. Claims 1, 17, 20-22, and 29 are independent claims.

### ***Specification***

3. **The applicant is required to update the serial numbers and status of ALL related applications as exemplified on page 1, lines 10-16 of the specification.**

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1-11, and 13-34 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Qureshi et al. (USPN 6396500 filed 3/18/1999), and further in view of Allport (USPN 6097441—filed December 31, 1997).**

**Regarding independent claim(s) 1, 17, 20, 34,** Qureshi teaches storing a plurality of templates (col. 10, ll. 1-7). Qureshi teaches the templates are HTML that identify locations at which content is available (Fig. 5, 368). Qureshi teaches transformation techniques (Fig. 4, 366), as the images will be transformed to the size indicated in the IMG tag. Qureshi teaches capturing, transforming and inserting the content into the pages (col. 6, ll. 2-33). Qureshi teaches the pages make up a set of content pages (col. 11, ll. 1-3). Qureshi teaches distributing the content pages to

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others, through a conventional network (col. 8, ll. 44-49). Qureshi does not teach broadcasting. Allport discloses encoding the content to be suitable for television display (col. 13, ll. 61-66). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Allport with Qureshi. This combination would have replaced the conventional transmission with the broadcasting of Allport. This would have been obvious to one of ordinary skill in the art at the time of the invention because Allport teaches TV viewing was a desirable improvement on convention network, as it was more convenient for users (Allport, col. 1, ll. 54-58).

**Regarding independent claim(s) 21, 29,** Qureshi teaches storing a plurality of templates (col. 10, ll. 1-7). Qureshi teaches the templates are HTML that identify locations at which content is available (Fig. 5, 368). Qureshi teaches transformation techniques (Fig. 4, 366), as the images will be transformed to the size indicated in the IMG tag. Qureshi teaches capturing, transforming and inserting the content into the pages (col. 6, ll. 2-33). Qureshi teaches the pages make up a set of content pages (col. 11, ll. 1-3). Qureshi discloses an album data structure (Fig. 2, 118) identifying the templates and containing sequence data (col. 10, ll. 45-48). Qureshi teaches distributing the content pages to others, through a conventional network (col. 8, ll. 44-49). Qureshi does not teach broadcasting. Allport discloses encoding the content to be suitable for television display (col. 13, ll. 61-66). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Allport with Qureshi. This combination would have replaced the conventional transmission with the broadcasting of Allport. This would have been obvious to one of ordinary skill in the art at the time of the invention because Allport

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teaches TV viewing was a desirable improvement on convention network, as it was more convenient for users (Allport, col. 1, ll. 54-58).

**Regarding independent claim(s) 22**, Qureshi teaches storing a plurality of templates (col. 10, ll. 1-7). Qureshi teaches the templates are HTML that identify locations at which content is available (Fig. 5, 368). Qureshi teaches transformation techniques (Fig. 4, 366), as the images will be transformed to the size indicated in the IMG tag. Qureshi teaches the pages make up a set of content pages (col. 11, ll. 1-3). Qureshi discloses an album data structure (Fig. 2, 118) identifying the templates and containing sequence data (col. 10, ll. 45-48). Qureshi teaches distributing the content pages to others, through a conventional network (col. 8, ll. 44-49). Qureshi does not teach broadcasting. Allport discloses encoding the content to be suitable for television display (col. 13, ll. 61-66). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Allport with Qureshi. This combination would have replaced the conventional transmission with the broadcasting of Allport. This would have been obvious to one of ordinary skill in the art at the time of the invention because Allport teaches TV viewing was a desirable improvement on convention network, as it was more convenient for users (Allport, col. 1, ll. 54-58).

**Regarding dependent claim(s) 26**, Qureshi teaches capturing, transforming and inserting the content into the pages (col. 6, ll. 2-33).

**Regarding dependent claim(s) 2**, Qureshi discloses a plurality of slots (col. 6, ll. 2-40).

**Regarding dependent claim(s) 3**, Qureshi discloses resizing the content to fit into a slot (col. 6, ll. 2-40).

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**Regarding dependent claim(s) 4**, Qureshi discloses resizing based on the coordinates and size of the slots (col. 6, ll. 37-40).

**Regarding dependent claim(s) 5 and 19**, Qureshi discloses an album data structure (Fig. 2, 118) identifying the templates and containing sequence data (col. 10, ll. 45-48).

**Regarding dependent claim(s) 6**, Qureshi discloses presenting in a sequence (col. 10, ll. 45-48). Qureshi does not teach broadcasting. Allport discloses encoding the content to be suitable for television display (col. 13, ll. 61-66). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Allport with Qureshi. This combination would have replaced the conventional transmission with the broadcasting of Allport. This would have been obvious to one of ordinary skill in the art at the time of the invention because Allport teaches TV viewing was a desirable improvement on convention network, as it was more convenient for users (Allport, col. 1, ll. 54-58).

**Regarding dependent claim(s) 7, 24, 31**, Qureshi does not explicitly disclose a cyclical broadcast, however Applicant admits (by non-traversal of Official Notice) that it was well known and desired in the art at the time of the invention for playback systems to have a loop option that would provide cyclical playback, and therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to include the feature for it's known desirability.

**Regarding dependent claim(s) 8, 25, 32**, Qureshi does not explicitly disclose a random broadcast, however Applicant admits (by non-traversal of Official Notice) that it was well known and desired in the art at the time of the invention for playback systems to have a random option, and therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to include the feature for it's known desirability. .

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**Regarding dependent claim(s) 9**, Qureshi discloses presenting in a sequence (col. 10, ll. 45-48).

**Regarding dependent claim(s) 10, 23**, Qureshi discloses duration data (col. 10, ll. 45-48).

**Regarding dependent claim(s) 11**, Qureshi discloses playing the presentation. In order to do this, inherently the content must be stored.

**Regarding dependent claim(s) 13 and 18**, Qureshi teaches distributing the content pages to others, through a conventional network (col. 8, ll. 44-49). Qureshi does not teach broadcasting. Allport discloses encoding the content to be suitable for television display (col. 13, ll. 61-66). Allport discloses broadcasting pages over a television channel (col. 4, ll. 34-52). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Allport with Qureshi. This combination would have replaced the conventional transmission with the broadcasting of Allport. This would have been obvious to one of ordinary skill in the art at the time of the invention because Allport teaches TV viewing was a desirable improvement on convention network, as it was more convenient for users (Allport, col. 1, ll. 54-58).

**Regarding dependent claim(s) 14**, Qureshi discloses locations that are Internet sites (Fig. 4, 386).

**Regarding dependent claim(s) 15**, Qureshi teaches the content is on local storage (col. 8, ll. 49-50).

**Regarding dependent claim(s) 16**, Qureshi discloses locations that are remote sites (Fig. 4, 386).

**Regarding dependent claim(s) 27**, Qureshi discloses a transmission system (col. 9, ll. 38-50).

**Regarding dependent claim(s) 28, 33**, Qureshi discloses the Internet (col. 9, ll. 38-50).

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**Regarding dependent claim(s) 30**, Qureshi teaches the pages are distributed upon request (col. 2, ll. 29-31).

***Response to Arguments***

**6. Applicant's arguments filed 11/17/2005 have been fully considered but they are not persuasive.**

**Regarding Applicant's remarks on the rejections in view of Qureshi (Independent claims 1, 17, 20, 21, 22, 29, 34):**

Applicant alleges that Qureshi does store templates identifying locations where content is available and transformation techniques, but rather just generates HTML pages. Assuming *arguendo* that Applicant's description of Qureshi is correct, Applicant fails to point why the Office's analysis in the rejection is incorrect. It appears that Applicant is alleging that the lack of the word "template" causes Qureshi to fail to teach the templates, however as explained in the rejection, the Office considers the HTML documents themselves to be templates, which is considered to be a reasonable interpretation for one of ordinary skill in the art at the time of the invention given the specification.

***Conclusion***

**7. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period



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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam M. Queler whose telephone number is (571) 272-4140. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AQ

  
**STEPHEN HONG**  
**SUPERVISORY PATENT EXAMINER**